

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Determination of NEPA Adequacy (DNA)

NUMBER: DOI-BLM-CO-150-2009-0012 DNA

CASEFILE/PROJECT NUMBER: COC – 66491

PROPOSED ACTION TITLE: Renewal of the High Mesa Gravel Permit

LOCATION/LEGAL DESCRIPTION: T. 15 S., R. 94 W., Sec. 4: NWNW; Sec. 5: NENE

APPLICANT: High Mesa Gravel Co.

A. Description of the Proposed Action and any applicable mitigation measures

Applicant proposes to remove 20,000 tons of sand and gravel over a period of 2 years from an existing gravel pit operation that involves the federal mineral estate, but is on private surface estate owned by the applicant. Attached stipulations would apply.

B. Land Use Plan (LUP) Conformance

LUP Name: Uncompahgre Basin RMP and ROD
Date Approved: July 1989

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The Uncompahgre Basin Record of Decision contains the following decision in the area of the proposed action. Mgt. Unit 16 (page 28) - General Land Uses. The standard management direction for mineral material disposal (p.10) is that federal mineral estate will be open to the disposal of mineral materials.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

High Mesa Gravel Pit, EA number: CO-150-2000-61 Approved: 08/10/2000

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation:

Yes. The proposed sand and gravel removal will occur in the existing High Mesa Gravel Pit previously analyzed 8 years ago in the EA listed above.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

Yes, the range of alternatives is adequate for the proposed action and current environmental concerns, interests and resource values. The alternatives analyzed were the No Action and Proposed Action alternatives. The four alternatives analyzed in the RMP included Continuation of Current Management Alternative, the Production Alternative, the Conservation Alternative, and the Preferred Alternative. These provided a broad range of alternatives which, in our judgment, adequately address current environmental concerns, interests and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation:

Yes. There are no new circumstances or information that would add to the decision. Gravel removal would not adversely impact maintaining or achieving public land health. The Landscape Health Assessment for this area (North Fork Unit) was completed in FY 2006 - 2007. This LHA does not apply to parcels where the surface is private, as is the situation with the surface estate of this gravel pit.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation:

Yes, the existing NEPA document sufficiently analyzes site-specific impacts related to the

current proposed action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

Yes. Adequate public reviews were held at the time of permitting by the CDMG and the Delta County planning process in 2000.

E. Persons/Agencies /BLM Staff Consulted

BLM staff contributing to this DNA:

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Robert Ernst	Geologist	Minerals
Dennis Murphy	Hydrologist	Air Quality, Floodplains, Prime and Unique Farmlands, Soils, Water Quality, Surface or Ground Water, Hydrology, Water Rights
Thane Stranathan / Charlie Sharp	NRS / Biologist	T&E Species, BLM Sensitive Species, Wildlife, Terrestrial and Aquatic Species, Migratory Birds, Raptors
Glade Hadden	Archeologist	Cultural Resources

BLM staff contributing to the Original EA:

Lynn Lewis	Geologist	Air Quality, Env. Justice, Climate, Forest Management, Geology and Minerals, Noise, Range Management
Dennis Murphy	Hydrologist	Floodplains, wetlands, riparian zones, and alluvial valleys, Prime and Unique Farmlands, Soils, Water Quality, Surface or Ground Water, Hydrology, Water Rights
Karen Tucker	Recreation Specialist	Wilderness, ACEC, Wild & Scenic Rivers, Recreation, Visual Resources
Teresa Pfifer	Realty Specialist	Access and Transportation, Land Status, Realty Authorizations

Richard Fike	Archaeologist	Cultural Resources, Native American Religious Concerns
Alan Kraus	Hazardous Materials Program Coordinator	Wastes, Hazardous or Solids
Amanda Clements	Ecologist	Vegetation
Jim Ferguson	Biologist	T&E Species, BLM Sensitive Species, Wildlife, Terrestrial and Aquatic Species

REMARKS:

Cultural Resources: The proposed project is situated entirely within disturbed surface. No cultural resource inventory is required under the provisions of 8110.23B2.

Native American Religious Concerns: There are no known concerns for this area.

Air Quality: During the gravel extraction and process operations a slight, localized and short term increase dust and diesel exhaust constituents would occur.

Water and Soils: The gravel deposit occurs on a small mesa top above the north rim of the Gunnison River. The mesa is capped with several feet of Cliffdown gravelly loam which is a deep soil with moderately rapid permeability and medium runoff response. The gravel cap is variable in its thickness across the mesa top, but commonly is tens of feet thick. Immediately below the gravel cap is the saline, Mancos shale formation. The ongoing gravel extraction operations would not affect the Mancos shale or increase salinity or selenium yields from the area. The area is in a very low precipitation zone (7-8 inches annually) and gravel operations will not result in significant ponding of runoff waters that could infiltrate and leach dissolvable salts from underlying formations. The existing access road to the pit is in need of drainage maintenance, as the present road diverts flow from a small headwater drainage on west side of the mesa to a smaller tributary drainage to the Gunnison River. The result is excess flow into a small steep channel that is incising and resulting in accelerated erosion with a short flow path to the Gunnison River.

Threatened and Endangered Species: The proposed action will have a "No Effect" on individuals of the species *Sclerocactus glaucus* (Uinta Basin Hookless Cactus) or *Eriogonum pelinophilum* (Clay-Loving Wild Buckwheat). A survey for T&E species was performed on February 20, 2009 over the entire project area. No individuals of either species were found. The survey did determine a potential for suitable habitat may exist upon the surrounding area for the *Sclerocactus*. The survey also determined that suitable habitat for the *Eriogonum* was limited due to soils.

The proposed actions would have no impact on Threatened and Endangered Species.

MITIGATION:

See the attached “Special Stipulations”.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of the NEPA.

Signature of Project Lead /s/ Robert Ernst Date 2/24/2009

Signature of NEPA Coordinator /s/ Bruce Krickbaum Date 2/27/2009

Signature of the Responsible Official

/s/ Dave Kauffman, for Date 3/2/2009
Barbara Sharrow
Field Manager, Uncompahgre Field Office

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

SPECIAL STIPULATIONS

1. Quarterly production reports will be reported to the Authorized Officer unless waived. At a minimum yearly production figures shall be reported during January of each year.
2. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right of way or on facilities authorized under this right of way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

No hazardous materials/hazardous wastes, trash or other solid waste shall be disposed of on public lands. If a release does occur, it shall be reported to this office immediately.

3. If cultural or paleontological resources are discovered during exploration operations under this license, the licensee shall immediately notify the Uncompahgre Field Office Manager and shall not disturb such discovered resources until the Uncompahgre Field Office Manager issues specific instructions.
 - a. Pursuant to 43CFR10.4(g), the BLM authorized officer must be notified, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43CFR10.4 (c) and (d), activities must stop in the vicinity of the discovery and the discovery must be protected for 30 days or until notified to proceed by the authorized officer.
 - b. If in connection with operations under this contract the project proponent, his contractors, subcontractors, or the employees of any of them, discovers, encounters or becomes aware of any objects or sites of cultural or paleontological value or scientific interest such as historic or prehistoric ruins, graves or grave markers, fossils, or artifacts, the proponent shall immediately suspend all operations in the vicinity of the cultural or paleontological resource and shall notify the BLM authorized officer of the findings (16

- U.S.C. 470h-3, 36CFR800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.
- c. Within 5 working days after notification, the Uncompahgre Field Office Manager shall evaluate any cultural resources discovered and shall determine whether any action may be required to protect or to preserve such discoveries.
 4. Between operations, the pit wall shall be maintained at a slope ratio not to exceed 3:1 so as to minimize slope failure potential and public safety hazards.
 5. Pit operation and reclamation will be in accordance with the approved CDMG permit for the High Mesa Pit.
 - a. The Uncompahgre Field Office Manager shall be contacted five (5) days prior to the commencement of reclamation.
 - b. Reclamation of the site will be considered successful when the soil is stable and the re-vegetated plant community is 75% of the surrounding cover unless the surface owner determines that a lesser vegetative cover meets his needs.
 6. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. If applications of herbicide are prescribed, however, it is the responsibility of the lease operator to insure compliance with all local, state and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Uncompahgre Field Office to obtain a PUP form to request this authorization. Submit the PUP 2 months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.
 7. Prior to beginning operations in the pit, a copy of the approved CDMG permit must be submitted to the Uncompahgre Field Office Manager. The operator is permitted to extract gravel only in the area approved in the CDMG permit unless otherwise stipulated by the BLM. Any amendments or revisions to the CDMG permit must be submitted to the Uncompahgre Field Office Manager at the time of the revision.
 8. The pit boundaries will be identified by visible boundary markers and checked by the BLM authorizing officer or their representative prior to any surface disturbance.
 9. Access to the area involved in the permit across private lands is not guaranteed by the Government.
 10. When excessive dust conditions exist, dust abatement measures including but not limited to watering or paving will be used to reduce or eliminate dust caused by operations authorized by this permit.
 11. The permittee agrees to the employment of any other practices as prescribed by the Uncompahgre Field Office Manager which will enhance and protect the public interests and which may be prescribed after due investigation of the circumstances.